

ORDINANCE NO. 040108-Z-5

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 12301 IH-35 NORTH FROM GENERAL OFFICE (GO) DISTRICT AND LIMITED OFFICE (LO) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from general office (GO) district and limited office (LO) district to community commercial-conditional overlay (GR-CO) combining district on the property described in Zoning Case No.C14-03-0151, on file at the Neighborhood Planning and Zoning Department, as follows:

Tract One: A 11.017 acre tract of land, more or less, out of the J.A.G. Brooke Survey No. 79 and the Louis Fritz Survey No. 291, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, and

Tract Two: A 0.984 acre tract of land, more or less, out of the J.A.G. Brooke Survey No. 79, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance, (the "Property")

locally known as 12301 IH-35 North, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "C".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.

2. The following uses are prohibited uses of the Property:

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| Cultural services | Day care services (commercial) |
| Day care services (general) | Day care services (limited) |
| Guidance services | Hospital services (limited) |
| Local utility services | Private primary educational facilities |
| Private secondary educational facilities | Public primary educational facilities |
| Public secondary educational facilities | College and university facilities |
| Communication service facilities | Community recreation (private) |
| Community recreation (public) | Congregate living |
| Residential treatment | Safety services |
| Art and craft studio (limited) | Business or trade school |
| Business support services | Communication services |
| Drop-off recycling collection facility | Exterminating services |
| Financial services | Food sales |
| Funeral services | General retail sales (convenience) |
| General retail sales (general) | Indoor entertainment |
| Indoor spots and recreation | Medical offices (not over 5,000 s.f.) |
| Medical offices (over 5000 s.f.) | Outdoor sports and recreation |
| Pawn shop services | Personal improvement services |
| Personal services | Pet services |
| Professional office | Research services |
| Restaurant (limited) | Restaurant (general) |
| Service station | Software development |
| Theater | Hospital services (general) |
| Club or lodge | Outdoor entertainment |
| Plant nursery | Special use historic |
| Hotel-motel | |

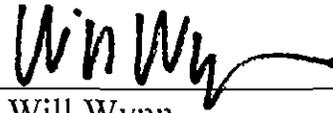
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on January 19, 2004.

PASSED AND APPROVED

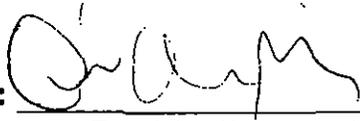
January 8, 2004

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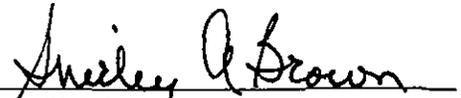
Will Wynn
Mayor

APPROVED:



David Allan Smith
City Attorney

ATTEST:



Shirley A. Brown
City Clerk

TRACT 1

FIELD NOTE DESCRIPTION OF A
11.017 ACRE TRACT OF LAND OUT OF THE
SOLO STAR REALTY, INC. TRACT,
TRAVIS COUNTY, TEXAS

BEING a 11.017 acre (479,881 square feet) tract of land situated in the J.A.G. Brooke Survey No. 79, Abstract No. 69, and the Louis Fritz Survey No. 291, Abstract No. 279, City of Austin, Travis County, Texas; also being a portion of that certain called 103.397 acre tract of land described in a Special Warranty Deed (With Vendor's Lien) to Solo Star Realty, Inc., executed October 14, 1993, and recorded in Volume 12056, Page 1563, of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.); said 11.017 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1-inch iron pipe (Control Monument) found marking an interior corner of said 103.397 acre tract, same being the most southerly corner of a road (known as V.F.W. Road) dedicated in Plat Book 7, Page 143, of the Plat Records of Travis County, Texas (P.R.T.C.T.), and filed for record on February 21, 1956;

THENCE, North 59 degrees 50 minutes 00 seconds West, with the common southwesterly right-of-way (R.O.W.) line of said V.F.W. Road (a 60 foot wide R.O.W. at this location per said plat) and a northeasterly line of said 103.397 acre tract, a distance of 657.44 feet to a 1/2-inch iron rod with orange plastic cap stamped "Wallace Group" (hereafter referred to as "Wallace Group cap") set for the **POINT OF BEGINNING** and easternmost corner of the herein described tract of land, said point also being the beginning of a tangent curve to the right from which the radius point bears North 56 degrees 07 minutes 35 seconds West, at 445.77 feet;

THENCE, departing said common line, and crossing through the interior of said 103.397 acre tract, the following four (4) calls:

- 1) In a westerly direction, with said curve to the right, through a central angle of 71 degrees 25 minutes 26 seconds, an arc length of 555.69 feet, and a chord bearing and distance of South 69 degrees 35 minutes 08 seconds West - 520.40 feet to a calculated point for a corner of the herein described tract and being the end of said curve;
- 2) North 74 degrees 42 minutes 08 seconds West, a distance of 37.10 feet to a calculated point for a corner of the herein described tract;
- 3) South 12 degrees 17 minutes 53 seconds West, a distance of 51.88 feet to a calculated point for a corner of the herein described tract;

EXHIBIT A

Tract 1 continued
Description of 11.017 acre tract

- 4) North 73 degrees 29 minutes 17 seconds West, a distance of 601.73 feet to a 1/2-inch iron rod with Wallace Group cap set for the westernmost corner of the herein described tract, said point being on the common easterly R.O.W. line of Interstate Highway 35 (a 300 foot wide R.O.W. at this location) and a westerly line of said 103.397 acre tract;

THENCE, North 12 degrees 15 minutes 27 seconds East, with said common line, a distance of 62.19 feet to a concrete monument found and as called for in the deed for said 103.397 acre tract for corner of the herein described tract, said point also being the beginning of a non-tangent curve to the left from which the radius point bears North 77 degrees 46 minutes 39 seconds West, at 3,969.72 feet;

THENCE, in a northerly direction, continuing with said common line, and with said curve to the left, through a central angle of 07 degrees 50 minutes 06 seconds, an arc length of 542.85 feet, and a chord bearing and distance of North 08 degrees 18 minutes 18 seconds East - 542.42 feet to a 1/2-inch iron rod with Wallace Group cap set for the northernmost corner of the herein described tract;

THENCE, South 88 degrees 15 minutes 36 seconds East, departing said common line, and crossing through the interior of said 103.397 acre tract, a distance of 84.82 feet to a 1/2-inch iron rod with Wallace Group cap set for an angle point and corner of the herein described tract, said point being on the common southwesterly R.O.W. line of said V.F.W. Road and a northeasterly line of said 103.397 acre tract;

THENCE, South 59 degrees 50 minutes 00 seconds East, with said common line, at a distance of 554.20 feet passing a truck axle (Control Monument) found and as called for on the plat for said road dedicated in Plat Book 7, Page 143, P.R.T.C.T., and continuing in all a total distance of 1,081.62 feet to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 11.017 acres (479,881 square feet) of land, more or less, based on a survey performed by The Wallace Group, Inc., Round Rock, Texas in June of 2003.

An exhibit drawing of even survey date herewith accompanies this field note description.

Tract 1 continued
Description of 11.017 acre tract

NOTE: This document is not to be used to convey real property

I, Daniel M. Flaherty, Registered Professional Land Surveyor No. 5004, State of Texas, do hereby certify that this field note description and the exhibit drawing attached hereto were prepared from an actual survey of the property performed on the ground and that the same is true and correct.



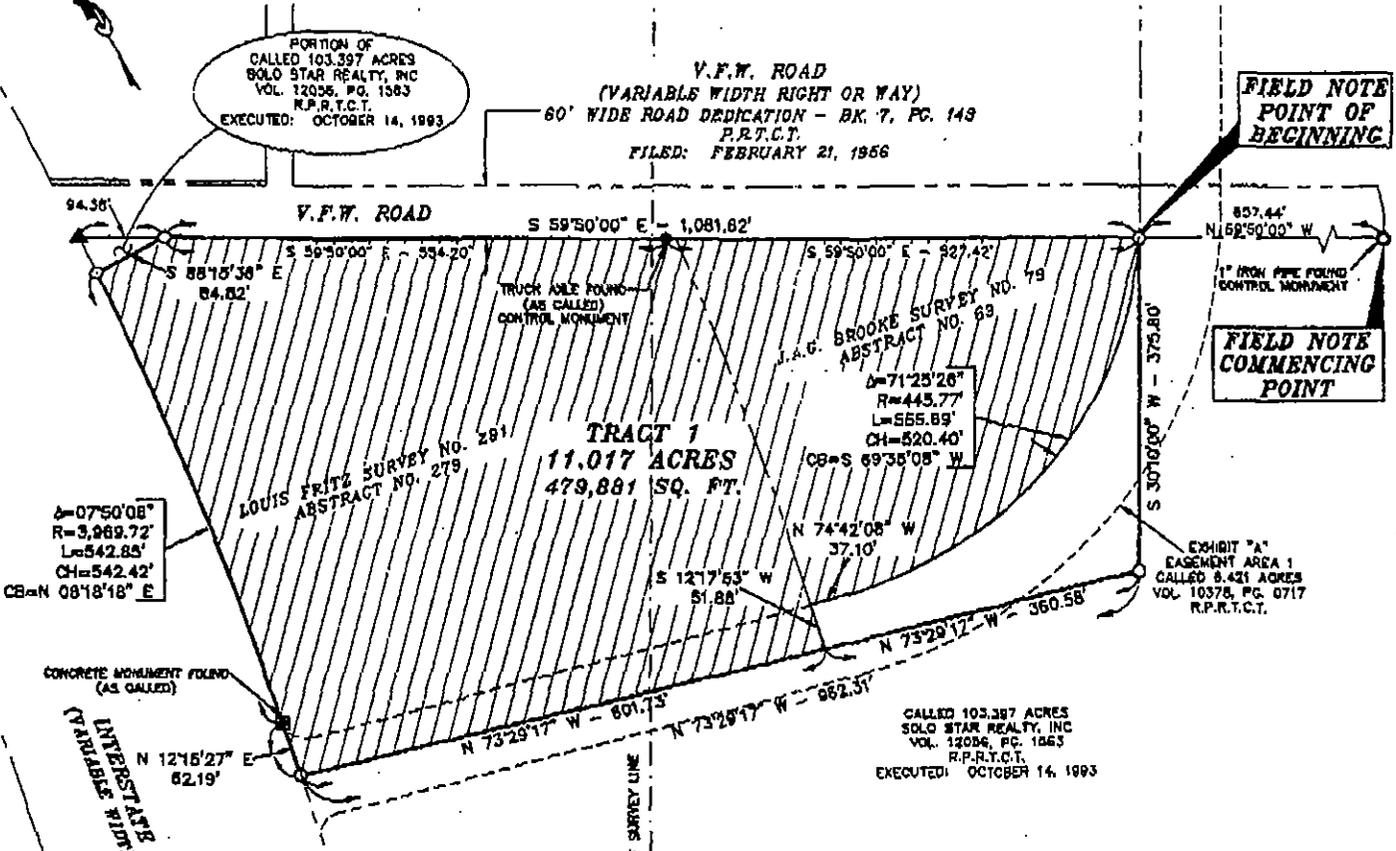
Daniel M. Flaherty

Daniel M. Flaherty, R.P.L.S. No. 5004
The Wallace Group, Inc.
One Chisholm Trail, Suite 130
Round Rock, Texas 78681
Work Order No. 16094
(512) 248-0065

See attached plat RR A-4099
16094-FN03.doc

TRACT 1

**DRAWING TO ACCOMPANY FIELD NOTE DESCRIPTION
OF A 11.017 ACRE TRACT OF LAND IN THE J.A.G. BROOKE SURVEY NO. 79, ABSTRACT NO. 69 AND THE LOUIS FRITZ SURVEY NO. 291, ABSTRACT NO. 279, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 103.397 ACRE TRACT OF LAND RECORDED IN VOLUME 12056, PAGE 1563, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS**



NOTES:
 1.) BE IT KNOWN THAT THE SURVEYOR HAS NOT PERFORMED A COMPLETE ABSTRACT AND HAS NOT BEEN FURNISHED A TITLE COMMITMENT, THEREFORE SOME EASEMENTS OR OTHER RIGHTS AFFECTING THE TRACT MAY NOT BE SHOWN.
 2.) THIS EXHIBIT DRAWING IS ACCOMPANIED BY A SEPARATE FIELD NOTE DESCRIPTION.
 3.) BASIS OF BEARINGS ARE REFERENCED TO THE SOUTHWESTERLY LINE OF V.F.W. ROAD, AS PLATTED FOR ROAD DEDICATION IN BK. 7, PAGE 143, PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAME BEING THE NORTHEASTERLY OF THE SUBJECT TRACT - NORTH 59 DEGREES 50 MINUTES WEST, A DISTANCE OF 1,184.89 FEET FOR PLAT CALL; NORTH 59 DEGREES 50 MINUTES WEST 00 SECONDS, A DISTANCE OF 1,184.88 FEET BETWEEN FOUND MONUMENTS (TRUCK AXLE TO 1" IRON PIPE).
 4.) THIS DOCUMENT IS NOT TO BE USED TO CONVEY REAL PROPERTY.

LEGEND

- = 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- = 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "WALLACE GROUP"
- ▲ = CALCULATED CORNER
- R.P.R.T.C.T. = REAL PROPERTY RECORD TRAVIS COUNTY, TEXAS
- D.R.T.C.T. = DEED RECORDS TRAVIS COUNTY TEXAS
- P.R.T.C.T. = PLAT RECORDS TRAVIS COUNTY TEXAS



The Wallace Group, Inc.

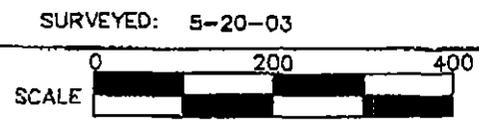
1 Chisholm Trail Suite 130, Round Rock, Texas 78881 (512) 248-0085
 Engineers ■ Architects ■ Planners ■ Surveyors
 Waco * Killeen * Austin * Dallas * Round Rock



I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THIS PLAT AND THE SURVEY UPON WHICH IT IS BASED MEETS THE REQUIREMENTS FOR LAND SURVEYS IN THE STATE OF TEXAS. THIS THE 2ND DAY OF DECEMBER, 2003.

Daniel M. Flaherty
 DANIEL M. FLAHERTY, R.P.L.S. NO. 5004

4 OF 4



PLAT NO. RR A-4099 DRAFT DATE 12-02-03 DRAWN BY MJM
 WORK ORDER NO. 16094 FIELDBOOK/P.G. RR 27/18-39 TAB # ZONING
 DIGITAL FILE 16094ZONING2 F/N # 16094-FN03

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TRACT 2

FIELD NOTE DESCRIPTION OF A 0.984 ACRE TRACT OF LAND OUT OF THE SOLO STAR REALTY, INC. TRACT, TRAVIS COUNTY, TEXAS

BEING a 0.984 acre (42,845 square feet) tract of land situated in the J.A.G. Brooke Survey No. 79, Abstract No. 69, City of Austin, Travis County, Texas; also being a portion of that certain called 103.397 acre tract of land described in a Special Warranty Deed (With Vendor's Lien) to Solo Star Realty, Inc., executed October 14, 1993, and recorded in Volume 12056, Page 1563, of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.); said 0.984 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1-inch iron pipe (Control Monument) found marking an interior corner of said 103.397 acre tract, same being the most southerly corner of a road (known as V.F.W. Road) dedicated in Plat Book 7, Page 143, of the Plat Records of Travis County, Texas (P.R.T.C.T.), and filed for record on February 21, 1956;

THENCE, North 59 degrees 50 minutes 00 seconds West, with the common southwesterly right-of-way (R.O.W.) line of said V.F.W. Road (a 60 foot wide R.O.W. at this location per said plat) and a northeasterly line of said 103.397 acre tract, a distance of 657.44 feet to a 1/2-inch iron rod with orange plastic cap stamped "Wallace Group" (hereafter referred to as "Wallace Group cap") set for the **POINT OF BEGINNING** and easternmost corner of the herein described tract of land;

THENCE, departing said common line, and crossing through the interior of said 103.397 acre tract, the following five (5) calls:

- 1) South 30 degrees 10 minutes 00 seconds West, a distance of 375.80 feet to a 1/2-inch iron rod with Wallace Group cap set for the southernmost corner of the herein described tract;
- 2) North 73 degrees 29 minutes 17 seconds West, a distance of 360.58 feet to a calculated point for the westernmost corner of the herein described;
- 3) North 12 degrees 17 minutes 53 seconds East, a distance of 51.88 feet to a calculated point for a corner of the herein described tract;
- 4) South 74 degrees 42 minutes 08 seconds East, a distance of 37.10 feet to a calculated point for a corner of the herein described tract, said point also being the beginning of a tangent curve to the left from which the radius point bears North 15 degrees 17 minutes 51 seconds East, at 445.77 feet;

EXHIBIT B

Tract 2 continued
Description of 0.984 acre tract

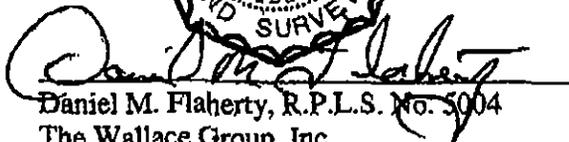
- 5) In a easterly direction, with said curve to the left, through a central angle of 71 degrees 25 minutes 26 seconds, an arc length of 555.69 feet, and a chord bearing and distance of North 69 degrees 35 minutes 08 seconds East - 520.40 feet to the POINT OF BEGINNING of the herein described tract, delineating and encompassing within the metes recited 0.984 acre (42,845 square feet) of land, more or less, based on a survey performed by The Wallace Group, Inc., Round Rock, Texas in June of 2003.

An exhibit drawing of even survey date herewith accompanies this field note description.

NOTE: This document is not to be used to convey real property

I, Daniel M. Flaherty, Registered Professional Land Surveyor No. 5004, State of Texas, do hereby certify that this field note description and the exhibit drawing attached hereto were prepared from an actual survey of the property performed on the ground and that the same is true and correct.



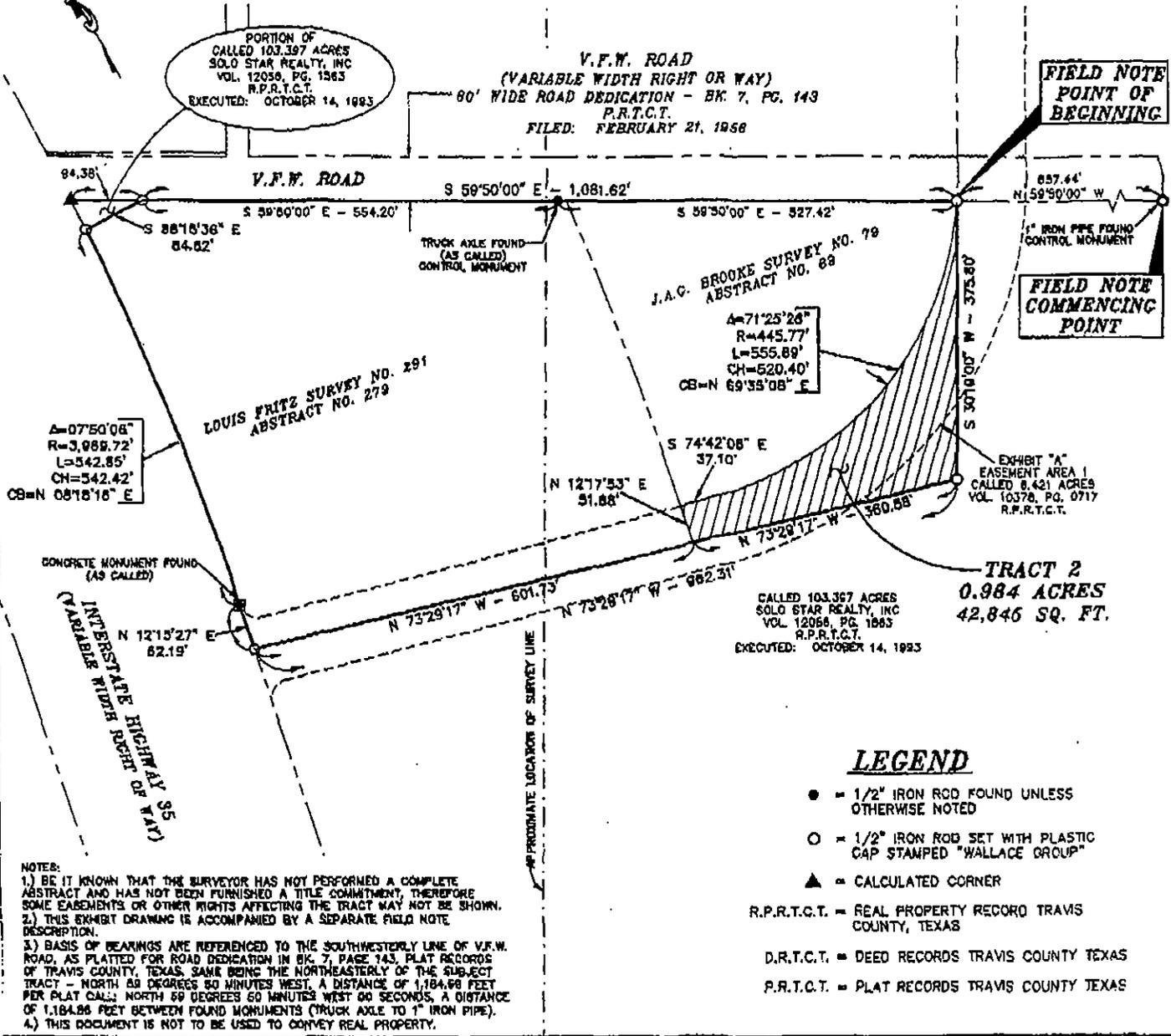

Daniel M. Flaherty, R.P.L.S. No. 5004

The Wallace Group, Inc.
One Chisholm Trail, Suite 130
Round Rock, Texas 78681
Work Order No. 16094
(512) 248-0065

See attached plat RR A-4100
16094-FN04.doc

TRACT 2

**DRAWING TO ACCOMPANY FIELD NOTE DESCRIPTION
OF A 0.984 ACRE TRACT OF LAND IN THE J.A.C. BROOKE SURVEY NO. 79,
ABSTRACT NO. 89, TRAVIS COUNTY, TEXAS, BEING A PORTION OF A
103.397 ACRE TRACT OF LAND RECORDED IN VOLUME 12056, PAGE 1563,
REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS**



The Wallace Group, Inc.

1 Chisholm Trail Suite 130, Round Rock, Texas 78681 (512) 248-0085
 Engineers ■ Architects ■ Planners ■ Surveyors
 Waco * Killeen * Austin * Dallas * Round Rock



I HEREBY STATE THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THIS PLAT AND THE SURVEY UPON WHICH IT IS BASED MEETS THE REQUIREMENTS FOR LAND SURVEYS IN THE STATE OF TEXAS, THIS THE 2ND DAY OF DECEMBER, 2003.

Daniel M. Flaherty
 DANIEL M. FLAHERTY, R.P.L.S. NO. 5004

SURVEYED: 5-20-03
 SCALE 0 200 400 PLAT NO. RR A-4100 DRAFT DATE 12-02-03 DRAWN BY MJM
 WORK ORDER NO. 16094 FIELDBOOK/P.G. RR 27/18-39 TAB # ZONING
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